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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,400	04/27/2006	Masahiro Chiba	0033-1079PUS1	1250
2292 7590 08/11/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER TIV, BACKHEAN	
			ART UNIT 2451	PAPER NUMBER
			NOTIFICATION DATE 08/11/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/577,400	CHIBA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BACKHEAN TIV	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE 6/8/11.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 45-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

Claims 45-63 are pending in this application. Claims 1-44 were cancelled on 4/27/06.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/8/11 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

As per claims 45-57, 61 recites the claim element “unit configured to”, a limitation that invokes 35 U.S.C. 112, sixth paragraph. However, it is unclear whether the claim element invokes 35 U.S.C. 112, sixth paragraph, because these limitations include the structural modifier, e.g. obtaining, message editing and creating. If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant may:

(a) Amend the claim to include the phrase “means for” or “step for”. The phrase “means for” or “step for” must be modified by functional language, and the phrase or term must **not** be modified by sufficient structure, material, or acts for performing the claimed function; or

(b) Present a sufficient showing that the claim limitation is written as a function to be performed and the claim does **not** recite sufficient structure, material, or acts for performing the claimed function to preclude application of 35 U.S.C. 112, sixth paragraph. For more information, see MPEP § 2181.

In further, in order to help advance the prosecution of the application it is advised that if the applicant intends to invoke 112 6th, point to support in the specification to show corresponding structure.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,246,313 issued to Sung et al.(Sung) in view of US Publication 2004/0181550 issued to Warsta et al.(Warsta) in view of US Patent 7,529,829 issued to Kaneko et al.(Kaneko).

As per claim 45, Sung teaches a data processing device comprising: an obtaining unit configured to obtain first data including a plurality of items of information including document creation supporting information for guiding a user in inputting at least one of text, image, sound, and movie to be included in message data(col.7, lines 10-58), and document browsing information for presenting the document data for a

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user's perception; and a document editing and creating unit configured to edit the document browsing information included in the first data based on the information included in said document creation supporting information among said plurality of items of the information included in said obtained first data(Fig.3-4,7,col.7, lines 10-58), wherein each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message browsing information(Fig.3-4,7, col.7, lines 10-58).

Sung however does not teach a message and said message editing and creating unit also configured to create second data including the plurality of items of the information forming said message creation supporting information and said edited message information.

Warsta, teaches creation of messages(para.002) and said message editing and creating unit also configured to create second data including the plurality of items of the information forming said message creation supporting information and said edited message information(Fig.5, para.004, creation to another format, e.g. second data).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sung to include the creation of messages and a second data as taught by Wartsa in order to efficiently adapt multimedia messages (Wartsa, para.001).

One ordinary skill in the art would have been motivated to combine the teachings of Sung and Wartsa in order to efficiently adapt multimedia messages (Wartsa, para.001).

Sung in view of Wartsa, does not explicitly teach receiving from a first user first data being message data; and the second data including the message creation supporting information and the edited message browsing information is transmitted to a third user. Sung however does suggest that the control document/template document has to be already present on the user's terminal or is to be downloaded from a content provider server, col.5, lines 46-56; which essentially in one aspect teaches that the user must receive the control document/template document from another location and further teaches sending of a multimedia message to a terminal, col.2, lines 51-55.

Kaneko, Fig.2, 5-8, col.6, line 18-col.7, line 40 teaches a user device element 10, deemed to be first user, browses a website to get an advertisement card image which is a template for the user device element 10, to superimpose an image element 18, to send to another user device element 11, deemed to be a second user, as shown in Fig.5. The user of device element 11, then can use the advertisement card send from user device element 10, to superimpose his/her own image, as shown in Fig.8, element 20, and as specified on col.8, lines 9-12, "re-uses the advertisement card for message transmission".

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sung in view of Wartsa of downloading from a content provider server the control document/template and the sending of a multimedia message to a terminal to use the teaches of Kaneko of sending of a template from a first user to a second user, and where the second user can manipulate/reuse the template to send message. The combination of Sung in view of Wartsa in view of

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Kaneko therefore produces the predictable result of a second user receiving a template in which includes message support information and message browsing information to create a message to send to another user, e.g. third user. In further it is obvious to one ordinary skill in the art to use the methodology of sending from the user to another second user the template with message support information and message browsing information and re-using the template to send another message to be used numerous time, e.g. sending from the second user to a third user, the third user sending to a fourth user, the fourth sending it to a fifth user, etc. As this is merely duplication of the methodology as taught by Sung in view of Wartsa in view of Kaneko.

One ordinary skill in the art would have been motivated to combine the teachings of Sung, Wartsa, and Kaneko in order to for users to re-use a message template that they like to send to multiple users(Kaneko, col.8, lines 9-12).

As per claim 46, the data processing device according to claim 45, wherein said first data is the message data, and includes one or more media data being a component of said message browsing information, said message creation supporting information includes information specifying editable media data among said one or more media data, and said message editing/creating unit accepts the editing of the specified editable media data among said one or more media data by using said message creation supporting information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 47, the data processing device according to claim 45, wherein said first data is data described with tags, said tags include a tag indicating that an item of information is a component of said message creation supporting information, and said

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message editing and creating unit determines which item of the information is included in said message creation supporting information included in said first data based on the tag indicating that an item is a component of said message creation support information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 48, the data processing device according to claim 45, wherein said first data is data described with tags, said tags include a tag indicating that an item of information is other than a component of said message creation supporting information, and said message editing and creating unit determines which item of information is included in said message creation supporting information included in said first data based on the tag indicating that an item is other than a component of said message creation support information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 49, the data processing device according to claim 45, wherein said first data includes component information identifying the information included in said first data and forming the component of said message creation supporting information, or identifying the information included in said first data and forming the component of said message browsing information, and said editing and creating unit determines the information including said message creation supporting information included in said first data based on said component information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 50, the data processing device according to claim 49, wherein said component information is included in a header area of said first data(Sung, Figs.3-4,7, Warsta, Fig.4-5), and said message editing and creating unit determines the information including said message creation supporting information included in said first data based



on the component information included in the header area of said first data(Sung, Figs.3-4,7, Warsta, Fig.4-5).Motivation to combine set forth in claim 45.

As per claim 51, the data processing device according to claim 45, further comprising: a communication unit for transmitting said second data(Warsta, Fig.1). Motivation to combine set forth in claim 45.

As per claim 52, the data processing device according to claim 45, wherein said obtaining unit receives said first data from an external data processing device(Warsta, Fig.6, 7). Motivation to combine set forth in claim 45.

As per claim 53, the data processing device according to claim 45, wherein said first data includes media data being the component of said message browsing information(Sung, Fig.3-4,7,col.7, lines 10-58) said message creation supporting information includes information representing a function of an external device started for editing said media data, and said message editing and creating unit edits the media data included in said message browsing information by accessing the external device based on said message creation supporting information and by utilizing the function provided from said external device(Warsta, Fig.6, 7). Motivation to combine set forth in claim 45.

As per claim 54, the data processing device according to claim 45, wherein said message creation supporting information includes information designating a provider providing data or function for assisting editing of the information including said message browsing information in the information included in said first data, and said message editing and creating unit receives said data or said function for the editing assistance by

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accessing said provider according to the information designating said provider in said message creation assisting information, and performs a part or all of the editing of said message browsing information(Sung, Fig.3-4,7,col.7, lines 10-58).

As per claim 55, the data processing device according to claim 45, wherein said first data is the message data, and said message editing and creating unit creates said second data including, as a part or the whole of said message creation supporting information, information designating a provider of template data defining structure of said message data(Sung, Fig.3-4,7,col.7, lines 10-58, Wartsta, para.0030). Motivation to combine set forth in claim 45.

As per claim 56, the data processing device according to claim 45, wherein said first data is message data, said message creation supporting information includes an ID designating template data used creating said message data, said data processing device further comprises a storing unit storing the obtained template data and the IDs designating said template data in a corresponding fashion, and said message editing/creating unit reads from said storing unit said template data corresponding to the ID designating said template data in said message creation supporting information, and performs a part or the whole of the editing of said message browsing information using said read template data(Kaneko, col.12, lines 41-50, col.17, lines 54-67).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Sung in view of Warsta to include ID designated template data as taught by Kaneko in order to organize data and for ease of locating a specific data.

One ordinary skill in the art would have been motivated to combine the teachings of Sung, Warsta, and Kaneko in order to organize data and for ease of locating a specific data.

As per claim 57, the data processing device according to claim 45, wherein said first data is message data, said message creation supporting information includes an ID designating the template data used creating said message data, said message editing/creating unit transmits an ID designating said template data in said message creation supporting information to an external device, obtains said template data corresponding to said transmitted ID from said external device, and performs a part or the whole of the edition of said message browsing information using said obtained template data(Kaneko, col.12, lines 41-50, col.17, lines 54-67). Motivation to combine set forth in claim 56.

As per claims 58-63, do not teach or further define over the limitations in claims 45-57. Therefore claims 58-62 are rejected for the same reasons set forth above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 45-63 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures

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may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-T 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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